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10-27-02

Docket No. 34013-28PT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECHNOLOGY CENTER 2800

In re patent application of:

Gregory G. Cappiello, Robert H. Dueck,  
and Mikhail N. Sokolskiy

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Confirmation No.: 7805

Serial No.: 09/724,803

Group No.: 2872

Filed: November 28, 2000

Examiner: Cassandra C. Spyrou

Title: DIFFRACTION GRATING FOR WAVELENGTH DIVISION  
MULTIPLEXING/DEMULTIPLEXING DEVICES

Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service as first class mail on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231

Date October 16, 2002

Signature Carolyn Bova

RESPONSE TO THIRD ELECTION REQUIREMENT

Dear Sir:

In response to the Office Action dated August 28, 2002, Applicants elect the claims in Group II, Species (1) for prosecution in the above-identified application.

REMARKS

Claims 1-145 have been subjected to a restriction requirement. In particular, restriction is required to one of two groups: claims 1-34, 65-100 and 132-145 (Group I), directed to a diffraction grating which is insensitive to polarization for at least a range of 30nm; and claims 35-64 and 101-131 (Group II), directed to a